

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

CASE NO. CR22-0197JLR

11 Plaintiff,

ORDER

12 v.

13 JESUS RUIZ-HERNANDEZ,

14 Defendant.

15 Before the court is Defendant Jesus Ruiz-Hernandez's *ex parte* motion for
16 reimbursement of the costs of purchasing daily transcripts. (Mot. (Dkt. # 265 (sealed));
17 *see also* 1/29/24 Hoover Decl. (Dkt. # 266 (sealed)).) Counsel for Mr. Ruiz-Hernandez
18 seeks Criminal Justice Act ("CJA") funds for costs incurred to procure transcripts during
19 Mr. Ruiz-Hernandez's trial. (*See* 1/29/24 Hoover Decl. ¶¶ 5, 7, 9, 11.) Counsel also
20 seeks \$125.00 to purchase transcripts of the testimony of two of Mr. Ruiz-Hernandez's
21 character witnesses to use in preparation of sentencing. (*Id.* ¶ 12.) The court has
22 considered Mr. Ruiz-Hernandez's submissions, the relevant portions of the record, and

1 the governing law. Being fully advised, the court GRANTS in part and DENIES in part
2 Mr. Ruiz-Hernandez's motion.

3 The CJA protects the Sixth Amendment right of indigent defendants to adequate
4 representation. *See United States v. Parker*, 439 F.3d 81, 90-91 (2d Cir. 2006). But such
5 funds "are a necessarily limited resource." *Id.* at 109. "As stewards of CJA resources,
6 courts must ensure that these public funds are reserved for defendants who do not have
7 the assets or income to afford adequate legal representation." *United States v.*
8 *Gutierrez-Cruz*, 680 F. App'x 203, 205 (4th Cir. 2017).

9 Reimbursing the funds counsel for Mr. Ruiz-Hernandez already incurred is not
10 necessary to afford Mr. Ruiz-Hernandez an adequate legal defense. Trial has already
11 come to an end, and those funds could be used to cover upcoming trial-related expenses
12 in other cases. Accordingly, the court DENIES the request for reimbursement.

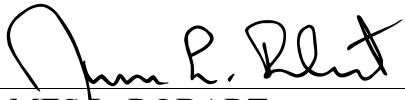
13 The court will, however, GRANT Mr. Ruiz-Hernandez's modest request for
14 additional funds. The court authorizes the use of \$125.00 in CJA funds to pay the Court
15 Reporter, Ms. Nancy L. Bauer, for additional transcripts to be used in preparation of
16 sentencing. The court DIRECTS the Office of the Federal Public Defender to create an
17 appointment in CJA eVoucher to pay Ms. Bauer directly for her services.

18 The court will not entertain any additional requests for reimbursements of costs
19 counsel for Mr. Ruiz-Hernandez has already incurred.

20 Accordingly, the court GRANTS in part and DENIES in part Mr.
21 Ruiz-Hernandez's *ex parte* motion for reimbursement of daily transcripts (Dkt. # 265).
22 The court authorizes the use of \$125.00 in CJA funds to purchase additional transcripts

1 and DIRECTS the Office of the Federal Public Defender to create an appointment in CJA
2 eVoucher to pay Ms. Bauer for her services.

3 Dated this 31st day of January, 2024

4 
5 JAMES L. ROBART
6 United States District Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22